

Appl. No.: 10/814,820
Amdt. dated 10/09/2007
Reply to Office action of July 6, 2007

Amendments to the Drawings:

In response to the objection by the Examiner, a minor typographical error has been corrected in Fig. 3 by amending the first cutting blade "22" to "12".

REMARKS/ARGUMENTS

Reexamination and reconsideration of this Application, withdrawal of the rejection, and formal notification of the allowability of all claims as now presented are earnestly solicited in light of the attached evidence and remarks that follow.

It is noted that Citation No. 6 on the PTO Form 1449 was not initialed by the Examiner when it was returned with the Office Action dated July 6, 2007. Accordingly, it is requested that the Examiner initial that citation and forward it to the undersigned with the next communication from the PTO. The Information Disclosure Statement and PTO 1449 were originally electronically filed and are available through PAIR. However, Applicants will be pleased to provide an additional copy upon the Examiner's request, if necessary.

Claims 1, 6, 11, and 12 are pending in the application. Claim 7 has been cancelled. Claim 12 has been amended to correct a minor typographical error. In addition, a corrected Fig. 3 is provided herewith. Applicants respectfully submit that these amendments do not introduce any new matter, and that these amendments place the application in condition for allowance or in better form for appeal. Accordingly, entry of these amendments is respectfully requested.

The drawings stand objected to as failing to show every feature of the invention. In particular, the Examiner objects to failure of the drawings to illustrate a non-circular cutting blade as set forth in claim 7. In order to expedite allowance of this application, claim 7 has been cancelled. Accordingly, this objection has been rendered moot.

The Examiner has also objected to the drawings due to a minor informality in Figure 3. Specifically, the first cutting blade is numbered 22 instead of 12. In response, Applicants submit herewith a corrected version of Fig. 3. Accordingly, Applicants respectfully request reconsideration and withdrawal of this objection.

Claim 12 stands objected to because of a minor informality in the wording of the last line. As noted above, claim 12 has been amended to correct the deficiency. Accordingly, Applicants respectfully request reconsideration and withdrawal of this claim objection.

All pending claims stand rejected as failing to comply with the enablement requirement. The Examiner alleges that the disclosure does not provide sufficient support for the collar set

forth in claim 1. The Examiner specifically alleges that the specification does not adequately enable one of ordinary skill in the art to utilize a collar "being configured to be capable of fixedly engaging the second rotatable shaft so as to axially fix the second cutting blade with respect to the second rotatable shaft." Applicants respectfully traverse this rejection.

As an initial point, Applicants note that the Office has the initial burden to establish a reasonable basis to question the enablement provided for a claimed invention. It is also noted that the question of whether a specification enables a claimed invention is considered from the perspective of one of ordinary skill in the art. In the present case, the Examiner has failed to provide any basis for asserting a failure to satisfy the enablement requirement. Instead, the rejection contains merely a bare assertion of a lack of enablement without any evidentiary support whatsoever. For this reason alone, Applicants respectfully submit that the Examiner has not set forth a valid and defensible enablement rejection. However, as set forth below, Applicants also stress that one of ordinary skill in the art would readily understand how to make and use the claimed invention based on the description in the specification.

The Examiner alleges that a collar that can be engaged with a rotatable shaft in order to affix a cutting blade with respect to the shaft would not be readily understood by one of ordinary skill in the art. Applicants respectfully disagree and direct the Examiner's attention to the discussion on pages 5-9 of the present application. As described in connection with Figure 1, a rotatable shaft 20 can extend through a plurality of cutting blades 22. These blades 22 can be secured to the rotatable shaft 20 via a collar 24. As explained on page 5, the collar can be secured to the rotatable shaft by securing member 26 as shown in Figure 1.

As set forth in Figure 4, which describes an embodiment that is particularly relevant to claim 1, the rotatable shaft 20 is described as extending through collar 24, which has a threaded radially-outward surface. Additionally, the claimed embodiment includes a securing member 26 that comprises a first sleeve 26a and a second sleeve 26b placed on either side of the cutting blade 22. The collar 24 is axially fixed with respect to the second rotatable shaft by abutting contact with the next adjacent collar. The first and second sleeve of the securing member 26 includes threaded radially-inward surfaces that can be threaded onto the outer threaded surface of the collar 24. As shown, one of the sleeves is configured to receive a pin 27 that extends through

the securing member and into an adjacent cutting blade 22. In this manner, the two sleeves, which are engaged to the collar 24 via the complementary threaded surfaces, can be advanced along the shaft 20 using the threaded engagement until they engage the cutting blade 22 and the pin can be used to affix one sleeve to the cutting blade so that the threaded rotation of the sleeve around the collar will also result in movement of the cutting blade secured thereto.

In this manner, the position of the cutting blade can be adjusted by rotation of the affixed sleeve having the pin extending therethrough. This operation is clearly set forth on page 9. As noted therein, to axially adjust the cutting blade 22 with respect to the collar 24 (and thus the second rotatable shaft 20), the second sleeve 26b is first rotated so as to move axially away from the cutting blade 22. Note that this is the sleeve that is not affixed to the cutting blade by the pin 27. The first sleeve, which does engage the second cutting blade by interaction of the pin with the aperture extending into the cutting blade, is then rotated so that it axially moves the cutting blade to a desired axial position on the collar 24. Once the desired position is reached, the second sleeve can be moved back into engagement with this cutting blade, again by use of the threaded engagement with the collar 24. Each sleeve can be rotated until a firm abutting contact with the cutting blade 22 is achieved. This interaction axially and rotationally secures the second cutting blade and the accompanying sleeves on each side. It is respectfully submitted that the operation of these various elements of the claimed splitter device are clearly described in the specification as noted above and in the accompanying figures.

The application clearly describes a collar having a rotatable shaft extending axially therethrough, and clearly describes a collar having a radially-outward threaded surface that can engage the sleeves. The application also clearly describes engagement of that threaded surface of the collar with the first and second sleeve, and the use of those sleeves to compress and thus affix an adjacent cutting blade 22. The collar can be configured to fixedly engage the rotatable shaft so as to axially fix the cutting blade with respect to the shaft. This is accomplished using the interaction between the claimed sleeves and the collar as set forth above. It is also noted that the specification clearly describes that fixation of the collars on the shaft can be accomplished by abutting contact between adjacent collars, wherein a series of abutting collars may be axially secured to the shaft by, for example, end nuts at opposing ends of the shaft 20 (see page 8).

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Thus, it is respectfully submitted that each and every limitation set forth in claim 1 are clearly described in the specification in a way that would enable one of ordinary skill in the art to make and use the invention. In the absence of any evidence to the contrary, Applicants respectfully request reconsideration and withdrawal of this rejection.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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